IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Bail Appl..No. 3705 of 2007()

CMP.3011/2007 of J.M.F.C., HARIPAD
CMP.3124/2007 of J.M.F.C., HARIPAD
CRIME NO.76/07 OF THRIKKUNNAPUZHA POLICE STATION.

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PETITIONERS/ACCUSED 1 & 2

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1. SANTHOSH, S/O.SASIDHARAN, AGED 23,
PLAVILA VEEDU, CHUVADUTHENGI MUKKU,
THUVAYUR, KADAMBANADU, ADOOR, PATHANAMTHITTA.

2. RAJEEV, S/O.BRAHMAVRUTHAN, SASI NIVAS,
CHARUMMOODU, NOORANADU.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 3705 of 2007

Dated this the 20th day of June, 2007

ORDER

Application for regular bail. The petitioners face allegations under Secs.379 and 471 read with Sec.34 of the IPC. Theft of a car had taken place on 29/4/07. On the complaint given by the person in possession of the vehicle, a crime was registered. Investigation was in progress. The Investigators could not trace the offenders.

2. Later, the petitioners were arrested while they were travelling in a car by the Hill Palace Police on 20/5/07. A crime was registered. The petitioners were arrested. In the course of investigation, it was revealed that the car in which the petitioners were travelling is the car which was thieved in the earlier crime. The petitioners were produced before the learned Magistrate in the earlier crime and their arrest was recorded on 29/5/07. Investigation is in progress. The 3rd accused is still absconding.

3. The learned counsel for the petitioner submits that the petitioners are absolutely innocent. They are bona fide purchasers, it is submitted. They had purchased the car from the 3rd accused. The petitioners have remained in custody for a long period of time i.e., from 20/5/07. They have no criminal antecedents at all. In these circumstances, their further detention is unnecessary and would amount to denial of justice, it is submitted.

4. The learned Public Prosecutor opposes the application. He submits that the police may be given some further time to arrest the 3rd accused before the petitioners are enlarged on bail.

5. Having considered all the relevant inputs, I am satisfied that a lenient view can be taken and the petitioners can be enlarged on bail subject, of course, to appropriate conditions. It can be insisted that the Investigators shall get some further time to complete the investigation.

6. **In the result:**

(a) This application is allowed. The petitioners shall be released on bail on the following terms and conditions:

(i) The petitioners shall not be released from custody on the strength of this order prior to 30/6/06. The Investigators

shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioners shall execute bonds for Rs.50,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioners shall make themselves available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge